



National Labor Relations Board

Weekly Summary of NLRB Cases

Division of Information

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CASES SUMMARIZED

Badlands Golf Course	Las Vegas, NV	1
Electrical Workers IBEW Local 2321	Lawrence, MA	1

OTHER CONTENTS

List of Decisions of Administrative Law Judges	1
Test of Certification Case	2
List of Unpublished Board Decisions and Orders in Representation Cases <ul style="list-style-type: none">Requests for Review of Regional Directors' Decisions and Directions of Elections and Decisions and Orders	2

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American Golf Corp. d/b/a Badlands Golf Course (28-CA-18753, et al.; 350 NLRB No. 28) Las Vegas, NV July 19, 2007. The Board, in a 3-2 decision, found that the Respondent lawfully withdrew recognition from Laborers Local 872 a little more than 6 months after resuming bargaining pursuant to an Order of the Board, which had found that the Respondent's previous withdrawal of recognition was unlawful. [\[HTML\]](#) [\[PDF\]](#)

The Board reversed a 2004 decision of an administrative law judge that found that the second withdrawal violated Section 8(a)(5) of the Act. Applying the factors identified in *Lee Lumber & Building Material Corp.*, 334 NLRB 399 (2001), the Board found that a reasonable period of time for bargaining had elapsed after the resumption of negotiations pursuant to the Board's Nov. 2002 Order. The majority found it relevant that the parties had bargained for 8 months before the first withdrawal of recognition. Dissenting, Members Liebman and Walsh contended that the majority had misapplied *Lee Lumber*, in part by improperly relying on the earlier period of bargaining.

(Full Board participated.)

Charges filed by Laborers Local 872; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Las Vegas on Nov. 20, 2003. Adm. Law Judge Albert A. Metz issued his decision March 15, 2004.

Electrical Workers IBEW Local 2321 (Verizon New England) (1-CB-10559; 350 NLRB No. 29) Lawrence, MA July 18, 2007. The Board adopted the administrative law judge's finding that the Respondent Union violated Section 8(b)(1)(A) of the Act by charging Gregory Burns with the overtime hours he worked during a concerted refusal to work overtime, but not charging the employees who had refused overtime as part of the concerted refusal. The Board modified the Order to conform to judge's recommendation that the overtime rule be rescinded and to conform to the Board's standard remedial language. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Battista and Members Schaumber and Walsh participated.)

Charge filed by Gregory Burns, an individual; complaint alleged violation of Section 8(b)(1)(A). Hearing at Boston on Feb. 5, 2007. Adm. Law Judge Joel P. Biblowitz issued his decision April 11, 2007.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Metro Demolition Co., Inc., Phantom Demolition Corp., Circle Interior Demolition, Inc., World Class Demolition Corp., Alter Egos (Teamsters Local 813) Maspeth, NY July 16, 2007. 29-CA-27317, et al.; JD(NY)-31-07, Judge Steven Fish.

Tecumseh Packaging Solutions, Inc. (Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers) Tecumseh, MI July 16, 2007. 7-CA-49861; JD-45-07, Judge Karl H. Buschmann.

Cimato Brothers, Inc., and Cimato Brothers Construction, Inc., a Single Employer (Operating Engineers Local 17) East Amherst, NY July 18, 2007. 3-CA-25918; JD-48-07, Judge Michael A. Rosas.

Watermelons Plus, Inc. and its alter ego, Watermelons II, Inc. (Individuals) Brooklyn, NY July 18, 2007. 29-CA-27150, 27152; JD(NY)-32-07, Judge Raymond P. Green.

Exempla Lutheran Medical Center (Food & Commercial Workers Local 7) Wheat Ridge, CO July 20, 2007. 27-CA-20233; JD(SF)-23-07, Judge Gregory Z. Meyerson.

Leiferman Enterprises, LLC d/b/a Harmon Auto Glass (Painters District Council 82) Minneapolis, MN July 20, 2007. 18-CA-18134; JD-50-07, Judge Jane Vandeventer.

Memorial Hospital of Rhode Island (Nurses and Allied Professionals Local 5082) Pawtucket, RI July 20, 2007. 1-CA-43432, 43722; JD-49-07, Judge Wallace H. Nations.

Janitorial Environmental Services Co., Inc, Successor to A&A Maintenance (Service Employees Local 32BJ) Clifton, NJ July 20, 2007. 22-CA-26839; JD(NY)-33-07, Judge Mindy E. Landow.

TEST OF CERTIFICATION

(In the following case, the Board granted the General Counsel's motion for summary judgment on the grounds that the Respondent has not raised any representation issue that is litigable in this unfair labor practice proceeding.)

Carroll College, Inc. (Auto Workers-UAW) (30-CA-17352; 350 NLRB No. 30) Waukesha, WI June 20, 2007. [\[HTML\]](#) [\[PDF\]](#)

LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following cases, the Board denied requests for review of Decisions and Directions of Elections (D&DE) and Decisions and Orders (D&O) of Regional Directors)

JBM, Inc., d/b/a Bluegrass Satellite, Indianapolis, IN, 25-RC-10327, July 17, 2007
(Members Liebman, Kirsanow, and Walsh)

**ORDER [granting Employer-Petitioner's request for review of
Regional Director's decision solely with respect to managerial
status of Editorial Page Editor and supervisory status of
Assistant Classified Manager and Electrical Manager;
and denying Union's request for review]**

The Republican Co., Springfield, MA, 1-UC-838, July 18, 2007 (Members Schaumber and Kirsanow; Member Walsh dissenting in part)

**ORDER [denying Employer's request for review of Regional
Director's D&DE, granting Employer's request for special
permission to appeal from determination to conduct mail ballot
election, and denying appeal on merits]**

Brown's Crew Car of Wyoming d/b/a Armadillo Express, Cheyenne, WY, 17-RC-12485,
July 17, 2007 (Members Liebman and Kirsanow; Member Schaumber concurring)
Brown's Crew Car of Wyoming d/b/a Armadillo Express, Louisburg, KS, 17-RC-12486,
July 17, 2007 (Members Liebman and Kirsanow; Member Schaumber concurring)
